

# **EXHIBIT A**

## DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. A-15-729233-C Dept XV

(Assigned by Clerk's Office)

**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): RUSSELL STEWART	Defendant(s) (name/address/phone): KCOP TECHNOLOGY SERVICES, INC. HOWARD ANASTASI CHRIS KLETT CHUCK QUINLAN
Attorney (name/address/phone): Merielle R. Enriquez, Esq. KRING & CHUNG, LLP 1050 Indigo Drive, Suite 200 Las Vegas, NV 89145-8870	Attorney (name/address/phone): Unknown.

**II. Nature of Controversy** (please select the one most applicable filing type below)

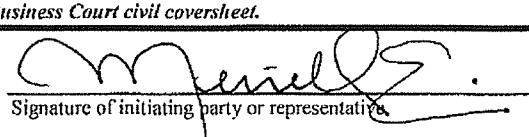
## Civil Case Filing Types

Real Property	Torts	
<b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input checked="" type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Construction Defect & Contract	Judicial Review/Appeal
<b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ	Other Civil Filing	
<b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<b>Other Civil Filing</b> <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters	

Business Court filings should be filed using the Business Court civil coversheet.

12 | 10 | 2015

Date



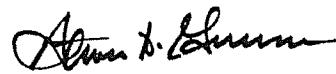
Signature of initiating party or representative

See other side for family-related case filings.

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5 Attorneys for Plaintiff  
6 RUSSELL STEWART

  
CLERK OF THE COURT

7  
8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10  
11 RUSSELL STEWART, an individual,

12 Plaintiff,  
vs.

13 KCORP TECHNOLOGY SERVICES, INC., an  
14 Alaska corporation qualified to do business in  
Nevada; HOWARD ANASTASI, an individual;  
15 CHRIS KLETT, an individual; CHUCK  
QUINLAN, an individual; and DOES 1 through  
16 25, inclusive,

17 Defendants.

- ) Case No. A-15-729233-C  
) Dept. No.: XV  
) Date of Hearing: n/a  
) Time of Hearing: n/a  
) **COMPLAINT FOR DAMAGES:**  
) **1. DISABILITY DISCRIMINATION IN  
VIOLATION OF NRS 613.330;**  
) **2. FAILURE TO ACCOMMODATE  
DISABILITY;**  
) **3. FAILURE TO ENGAGE IN THE  
INTERACTIVE PROCESS;**  
) **4. WRONGFUL TERMINATION IN  
VIOLATION OF NEVADA PUBLIC  
POLICY;**  
) **5. INTENTIONAL INFILCTION OF  
EMOTIONAL DISTRESS; AND**  
) **6. FAILURE TO PROVIDE ITEMIZED  
WAGE STATEMENTS PURSUANT TO  
NRS 608.110**  
) **DEMAND FOR JURY TRIAL**

27  
28 ///



1 Plaintiff RUSSELL STEWART alleges as follows:

2 **THE PARTIES**

3 1. Plaintiff RUSSELL STEWART ("STEWART" or "Plaintiff") is, and at all times  
4 mentioned herein was, a resident of Clark County, in the State of Nevada, and was employed by  
5 Defendant KCORP TECHNOLOGY SERVICES, INC. ("KCORP" or "Defendant").

6 2. Defendant KCORP is, and at all times mentioned herein is an corporation organized  
7 and existing under the laws of the State of Alaska and is authorized to do business in Nevada under  
8 Nevada Business ID #NV20101899275, with its principal place of business in Clark County, in the  
9 State of Nevada, and the acts giving rise to this action occurred in said County and State.

10 3. HOWARD ANASTASI, an individual who upon information and belief resides in  
11 Fairbanks, Alaska, was the Director of Human Resources at the time that Plaintiff was employed  
12 by Defendant KCORP.

13 4. CHRIS KLETT, an individual, who upon information and belief resides in Las  
14 Vegas, located in Clark County, Nevada, was Plaintiff's supervisor at all times while employed by  
15 Defendant KCORP.

16 5. CHUCK QUINLAN, an individual, who upon information and belief resides in  
17 Fairbanks, Alaska, was the Chief Executive Officer at all times while employed by Defendant  
18 KCORP.

19 6. At all times mentioned in this Complaint, upon information and belief, Defendant  
20 KCORP employed more than one hundred persons and was an employer as defined by NRS  
21 613.310 (2).

22 7. Plaintiff is unaware of the names and capacities of those defendants by the fictitious  
23 names of Does 1 through 25, inclusive. Plaintiff is informed and believes that each of the  
24 fictitiously named defendants is in some way responsible or liable for the matters set forth in this  
25 Complaint. Plaintiff sues Defendants DOES 1 to 25 by fictitious names. Plaintiff will amend this  
26 Complaint to assert the true names and capacities as they become known. Whenever in this  
27 complaint reference is made to "Defendants," such allegation shall be deemed to mean the acts of  
28 Defendants acting individually, jointly, or severally.

1       8. Plaintiff is informed and believes and thereon alleges that at all times herein  
2 mentioned, Defendants were acting as each other's principal, agents, alter-ego, servants, employer,  
3 employees and representatives and with the knowledge, consent, permission and ratification of the  
4 other Defendants and within the course, scope and authority of their agency, service, employment,  
5 and representation and was engaged with some or all of the other Defendants in a joint enterprise  
6 for profit, and bore such other relationships to some or all of the other Defendants, so as to be liable  
7 for the conduct of them. Plaintiff is further informed and believes and thereon alleges that each  
8 Defendant acted pursuant to and within the scope of the relationships alleged above, that each  
9 Defendant knew or should have known about, authorized, ratified, adopted, approved, controlled,  
10 aided and abetted the conduct of all other Defendants; and that each Defendant acted pursuant to a  
11 conspiracy and agreement to do the things alleged herein.

12       9.      Venue and jurisdiction are proper because the majority of the events giving rise to  
13 this action took place in Clark County; because Defendants were licensed to do business in Clark  
14 County and do in fact do business in Clark County; because Plaintiff's employment was entered  
15 into in Clark County; because Plaintiff worked for Defendants in Clark County; because the  
16 damages sought exceed the jurisdictional minimum of this Court; and because the majority of the  
17 witnesses are located in and the events occurred in Clark County.

## **GENERAL BACKGROUND FACTS**

19       10. Plaintiff was employed by Defendant KCORP as a Janitor at the Hoover Dam from  
20 January 25, 2014 to July 7, 2014.

21       11. At no time during the seven months that Plaintiff was employed by Defendant  
22 KCORP did he ever receive an itemized wage statement showing the respective deductions made  
23 from the total amount of his wages.

24 12. Plaintiff is a dynamic and passionate person, who despite being diagnosed with  
25 Asperger's/high functioning Autism since the age of twenty five, loves working and helping others  
26 and engaging in the same life activities as his peers.

13. Plaintiff performed exceptionally well at KCORP. More specifically, he was frequently praised by his supervisor, Defendant KLETT, that he was "one of the hardest working

1 employees that KCORP had."

2       14. On or about May 27, 2014, Plaintiff's grandfather died. Plaintiff was extremely  
 3 close with his grandfather. This was the first time Plaintiff had ever experienced the loss of a love  
 4 one. Plaintiff was supposed to be off work on May 27, 2014, but someone called in sick, so  
 5 Plaintiff covered for his fellow employee, despite being devastated about the loss of his grandfather  
 6 that day. Plaintiff was granted bereavement leave, from June 12, 2014 through June 15, 2014, to  
 7 attend services for his grandfather. Plaintiff was scheduled to return from leave on June 18, 2014.  
 8 Plaintiff returned as scheduled.

9       15. Despite having returned from bereavement leave, Plaintiff continued to physically  
 10 and emotionally mourn the loss of his grandfather. Plaintiff found himself slipping into depression  
 11 and felt increased anxiety and stress in dealing with the first significant death of a loved one. On  
 12 July 7, 2014, Plaintiff was scheduled for a routine visit with his psychologist, Dr. Jessica  
 13 Browning. Dr. Browning was concerned that Plaintiff was taking the death of his grandfather so  
 14 hard and suggested that he take a week off to focus on the grief process and deal with the increase  
 15 stress and depression he was suffering from. As such, on July 7, 2014, Dr. Browning faxed a  
 16 doctor's note placing Plaintiff on a short leave of absence from July 7, 2014 through July 16, 2014.  
 17 Plaintiff was typically off on Monday and Tuesday, so technically the leave of absence was a total  
 18 of six working days.

19       16. Dr. Browning also spoke with Plaintiff's direct supervisor, Defendant KLETT over  
 20 the phone regarding the short leave of absence. Plaintiff was also on the phone call. At the end of  
 21 the call, Defendant KLETT indicated to Plaintiff that he wanted Plaintiff to give him a call when  
 22 Plaintiff got home. Plaintiff and his mother, Lori Stewart, called KLETT as soon as Plaintiff got  
 23 home. Defendant KLETT informed Plaintiff and his mother over the phone that "I'm sorry, but my  
 24 boss (Defendant QUINLAN) said that I have to replace you. We don't have FMLA or sick time.  
 25 Please return your badge and dam keys." Defendant KLETT went on to say during the call, "I'm so  
 26 sorry Russell. Please don't hold this against me and Martina (Stewart's co-worker). I wish I had ten  
 27 Russell's, because you take such pride on being on time and doing your job." Plaintiff was  
 28 speechless and felt like he had been punched in the gut. After he and his mother hung up the



1 phone, they were both in shock. Plaintiff and his mother had no idea why asking for one week off  
2 to deal with stress and depression would lead to automatic termination, particularly because it was  
3 clear that Plaintiff was not being terminated for his job performance.

4 17. Plaintiff was emotionally devastated. His job at the Hoover Dam meant everything  
5 to him. On July 25, 2014, Plaintiff and his father, Verne Stewart went to the Bureau of  
6 Reclamation ("BOR"), the federal governmental entity that managers the Hoover Dam to speak  
7 with someone in charge of the contractor services. The BOR contracts with Defendant KCORP  
8 regarding employees. Plaintiff and his father were told that the employee they needed to speak  
9 with was not there that day, so Plaintiff left a note for this employee to call him. The BOR employee  
10 did call back and Plaintiff and his father told her what happened. The BOR employee  
11 indicated to Plaintiff that his termination sounded illegal and that he should file a claim with the  
12 Nevada Department of Employment, Training & Rehabilitation ("DETR").

13 18. Through family members, Plaintiff also continued to object to the termination  
14 through Defendant KCORP's Human Resources Manager, Defendant ANASTASI. After being  
15 yelled at by ANASTASI on numerous follow-up phone calls, ANASTASI threatened Plaintiff's  
16 family members that if Plaintiff did not drop his claim, Defendant KCORP would counter sue  
17 against Plaintiff for "interference with business."

18 19. On October 16, 2015, Plaintiff received a Right to Sue letter from the Equal  
19 Employment Opportunity Commission. Plaintiff exhausted his administrative remedies and timely  
20 filed the Complaint.

21 **FIRST CAUSE OF ACTION**

22 **DISABILITY DISCRIMINATION**

23 (Violation of NRS 613.320 et. seq.)

24 (Against Defendant KCORP and Does 1-25)

25 20. Plaintiff hereby realleges and incorporates paragraphs 1 through 19 as though fully  
26 set forth herein.

27 21. Plaintiff was part of a protected class of employees, those with a disability, here  
28 Asperger's disease, that affected a major life activity.

1       22. In Nevada, employers may be held accountable for practices that discriminate  
 2 against legally protected class, whether purposely discriminatory, as the case at bar, or merely  
 3 having an unintended discriminatory effect. NRS 613.330 states in pertinent part, "Except as  
 4 otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer, (a) To  
 5 fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person  
 6 with respect to the person's compensation, terms, conditions or privileges of employment, because  
 7 of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age,  
 8 **disability or national origin.**" (Emphasis added)

9       23. NRS 613.310 (1) defines "disability" to mean, "with respect to a person: (a) A  
 10 physical or mental impairment that substantially limits one or more of the major life activities of  
 11 the person, including, without limitation, the human immunodeficiency virus; (b) A record of such  
 12 an impairment; or (c) Being regarded as having such an impairment."

13       24. During the course of his employment with Defendant KCORP, Plaintiff suffered  
 14 from a serious health condition/disability that required ongoing treatment and limited major life  
 15 activities. Prior to terminating Plaintiff, Defendant KCORP was aware that Plaintiff suffered from  
 16 Asperger's disease, as both his supervisor Defendant KLETT and KLETT's supervisor Defendant  
 17 QUINLAN , were fully aware that he suffered from Asperger's disease. Plaintiff's condition falls  
 18 under the definition of "disability" under Nevada law. Such condition limited his physical and  
 19 social activities and his ability to work and sleep for a period of time during his employment with  
 20 Defendant KCORP.

21       25. Plaintiff was able to perform the essential job duties with reasonable  
 22 accommodation for his disability, including, but not limited to a finite leave of absence, more  
 23 specifically, six days off to address depression associated with Asperger's disease. At all times  
 24 during his employment, Plaintiff was otherwise more than qualified to do his job.

25       26. Defendant KCORP took an adverse employment action against Plaintiff by  
 26 terminating within hours after his request for reasonable accommodations.

27       27. Plaintiff's disability was the motivating reason for his termination.

28       28. As a direct and proximate result of Defendant KCORP's discriminatory actions



1 against him, Plaintiff has suffered and continues to suffer damages, in the form of lost wages and  
2 other employment benefits and opportunities, severe emotional distress, humiliation, anxiety,  
3 embarrassment, anger, depression, stress, loss of sleep, and psychological trauma, the exact amount  
4 and/or extent of which will be proven at trial.

5 29. Defendant KCORP's decision to terminate Plaintiff was a substantial factor in  
6 causing Plaintiff's harm.

7 30. The aforementioned conduct of Defendant KCORP was willful and in conscious  
8 disregard of Plaintiff's rights, and constitutes oppression, fraud, or malice, justifying punitive and  
9 exemplary damages in an amount sufficient to punish Defendant KCORP.

10 **SECOND CAUSE OF ACTION**

11 **FAILURE TO ACCOMMODATE DISABILITY**

12 (Violations of the ADA set forth under 42 U.S.C. §§ 12101–12213.)

13 (Against Defendant KCORP and Does 1-25)

14 31. Plaintiff hereby realleges and incorporate paragraphs 1 through 30 as though fully  
15 set forth herein.

16 32. In addition to being "disabled" for purposes of Nevada's state laws against disability  
17 discrimination in the workplace, Plaintiff is also "disabled" for purposes of meeting the definition  
18 under the American with Disabilities Act ("ADA"). Under the ADA, a qualified individual with a  
19 disability is defined as "an individual with a disability who, with or without reasonable  
20 accommodation, can perform the essential functions of the employment position that such  
21 individual holds or desires." 42 U.S.C. § 12111(8). Plaintiff was able to perform the essential  
22 functions of his job as a Janitor. Had Defendant KCORP reasonably accommodated Plaintiff by  
23 granting the six days off that Plaintiff's doctor recommended, Plaintiff would likely still be working  
24 for Defendant.

25 33. Title I of the Americans with Disabilities Act of 1990 (the "ADA") requires an  
26 employer to provide reasonable accommodation to qualified individuals with disabilities who are  
27 employees or applicants for employment, unless to do so would cause undue hardship. 42 U.S.C. §  
28 12112(a), (b)(5)(A) (1994). "In general, an accommodation is any change in the work environment

1 or in the way things are customarily done that enables an individual with a disability to enjoy equal  
 2 employment opportunities." 29 C.F.R. pt. 1630 app. § 1630.2(o) (1997).

3       34. There are three categories of "reasonable accommodations": "(i) modifications or  
 4 adjustments to a job application process that enable a qualified applicant with a disability to be  
 5 considered for the position such qualified applicant desires; or (ii) modifications or adjustments to  
 6 the work environment, or to the manner or circumstances under which the position held or desired  
 7 is customarily performed, that enable a qualified individual with a disability to perform the  
 8 essential functions of that position; or (iii) modifications or adjustments that enable a covered  
 9 entity's employee with a disability to enjoy equal benefits and privileges of employment as are  
 10 enjoyed by its other similarly situated employees without disabilities." 29 C.F.R. § 1630.2(o)(1)(i-  
 11 iii) (1997)

12       35. During his employment with Defendant KCORP, Plaintiff suffered from a disability,  
 13 namely Asperger's disease, that limited his physical and social activities and his ability to work and  
 14 sleep. Defendant KCORP knew that Plaintiff suffered from Asperger's disease, which limited his  
 15 major life activity, as they were notified on July 7, 2014 by Plaintiff's doctor, Dr. Browning that  
 16 Plaintiff suffered from Asperger's disease and subsequently provided Defendants with medical  
 17 documentation about his disability. Thus, Defendant KCORP knew that Plaintiff had a disability  
 18 that limited his major life activities.

19       36. As a reasonable accommodation for his disability, Plaintiff requested a finite leave  
 20 of absence for a period of six days.

21       37. Plaintiff was able to perform the essential job duties with reasonable  
 22 accommodation for his disability.

23       38. Defendant KCORP failed to provide reasonable accommodation for Plaintiff's  
 24 disability, as required by law, by failing to grant his medical leave request and by terminating his  
 25 employment because of his disability, which in turn considerably harmed Plaintiff emotionally,  
 26 physically and financially. At the time of his termination, Plaintiff's supervisor specifically stated  
 27 that Plaintiff's employment was being terminated because they could not accommodate his  
 28 disability. Plaintiff, thus, is informed and believes and thereon alleges that Defendant KCORP



1 terminated Plaintiff's employment because he needed accommodation to work as a result of his  
2 disability.

3       39. As a direct and proximate result of Defendant KCORP's conduct, Plaintiff has  
4 suffered and continues to suffer damages, in the form of lost wages and other employment benefits  
5 and opportunities, severe emotional distress, humiliation, anxiety, embarrassment, anger,  
6 depression, stress, loss of sleep, and psychological trauma, the exact amount and/or extent of which  
7 will be proven at trial.

8       40. Defendants' failure to provide reasonable accommodations was a substantial factor  
9 in causing Plaintiff's harm.

10       41. The aforementioned conduct of Defendants was willful and in conscious disregard  
11 of Plaintiff's rights, and constitutes oppression, fraud, or malice, justifying punitive and exemplary  
12 damages in an amount sufficient to punish Defendants.

### **THIRD CAUSE OF ACTION**

#### **FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS**

(Violations of the ADA set forth under 42 U.S.C. §§ 12101–12213)

(Against Defendant KCORP and Does 1-25)

17       42. Plaintiff hereby realleges and incorporate paragraphs 1 through 41 as though fully  
18 set forth herein.

19       43. During his employment with Defendants, Plaintiff suffered from a disability, namely  
20 Asperger's disease, that limited his physical and social activities and his ability to work and sleep.  
21 Defendant KCORP knew that Plaintiff suffered from Asperger's disease, which limited his major  
22 life activity, as they were notified on July 7, 2014 that Plaintiff suffered from Asperger's disease  
23 and were subsequently provided with medical documentation about his disability. Thus,  
24 Defendants knew that Plaintiff had a disability that limited his major life activities.

25       44. The ADA makes it an unlawful employment practice to fail to engage in a timely,  
26 good faith, interactive process with an employee to determine effective reasonable  
27 accommodations, if any, in response to a request for reasonable accommodation by an employee  
28 with a known physical or mental disability or medical condition. 29 C.F.R. § 1630.2(o)(3) (1997);

1       29 C.F.R. pt. 1630 app. §§ 1630.2(o), 1630.9 (1997). The interactive process requires  
 2 communication and good-faith exploration of possible accommodation between employers and  
 3 individual employees with the goal of identifying an accommodation that allows the employee to  
 4 perform the job effectively. For the process to work, both sides must communicate directly and  
 5 exchange essential information. 29 C.F.R. pt. 1630 app. § 1630.9 (1997).

6       45. It is the employee's initial request for an accommodation or the employer's  
 7 knowledge of the employee's disability, which triggers the employer's obligation to participate in  
 8 the interactive process of determining reasonable accommodations. As a reasonable  
 9 accommodation for his disability, Plaintiff requested a finite leave of absence for a period of six  
 10 days. Defendant did not engage in the interactive process, rather immediately upon receiving the  
 11 request for accommodation, terminated Plaintiff.

12       46. At all relevant times, Plaintiff was willing to participate in the interactive process to  
 13 determine whether reasonable accommodations could be made so that he would be able to perform  
 14 the essential job requirements. Defendant KCORP failed to engage in productive dialogue with  
 15 Plaintiff to determine whether any other accommodations could be possible, such as a shorter leave  
 16 or an alternative work schedule. Thus, Defendant KCORP failed to participate in a timely, good-  
 17 faith interactive process with Plaintiff to determine whether reasonable accommodation could be  
 18 made.

19       47. As a direct and proximate result of Defendant KCORP's failure to engage in a good-  
 20 faith interactive process, Plaintiff has suffered and continues to suffer damages, in the form of lost  
 21 wages and other employment benefits and opportunities, severe emotional distress, humiliation,  
 22 anxiety, embarrassment, anger, depression, stress, loss of sleep, and psychological trauma, the  
 23 exact amount and/or extent of which will be proven at trial.

24       48. Defendants' failure to engage in a good-faith interactive process was a substantial  
 25 factor in causing Plaintiff's harm.

26       49. The aforementioned conduct of Defendant KCORP was willful and in conscious  
 27 disregard of Plaintiff's rights, and constitutes oppression, fraud, or malice, justifying punitive and  
 28 exemplary damages in an amount sufficient to punish Defendants.



1                   **FOURTH CAUSE OF ACTION**

2                   **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

3                   (Against Defendant KCORP and Does 1 -25)

4       50. Plaintiff hereby realleges and incorporate paragraphs 1 through 49 as though fully  
5 set forth herein.

6       51. Employment disability discrimination, denial of an accommodation for an  
7 employee's disability and retaliation are illegal and against public policy in the State of Nevada,  
8 including and the federal ADA.

9       52. NRS 613.330 states, "Except as otherwise provided in NRS 613.350, it is an  
10 unlawful employment practice for an employer, (a) To fail or refuse to hire or to discharge any  
11 person, or otherwise to discriminate against any person with respect to the person's compensation,  
12 terms, conditions or privileges of employment, because of his or her race, color, religion, sex,  
13 sexual orientation, gender identity or expression, age, **disability** or national origin." (Emphasis  
14 added). This policy inures to the benefit of the public as it protects Nevada employees from  
15 unlawful discharge based on a protected class, including a person with a disability.

16       53. During his employment with Defendant KCORP, Plaintiff suffered from a disability,  
17 namely Asperger's disease, that limited his physical and social activities and his ability to work and  
18 sleep. Defendant KCORP knew that Plaintiff suffered from Asperger's disease, which limited his  
19 major life activity.

20       54. In engaging in the conduct set forth above, Defendant KCORP illegally and  
21 wrongfully terminated Plaintiff's employment. These acts by Defendant KCORP were in violation  
22 of the public policy of the State of Nevada as set forth above and in violation of federal laws,  
23 including the ADA.

24       55. As a direct and proximate result of Defendant KCORP's wrongful termination of  
25 Plaintiff's employment, Plaintiff has suffered and continues to suffer damages, in the form of lost  
26 wages and other employment benefits and opportunities, severe emotional distress, humiliation,  
27 anxiety, embarrassment, anger, depression, stress, loss of sleep, and psychological trauma, the  
28 exact amount and/or extent of which will be proven at trial.

1       56. The aforementioned conduct of Defendant KCORP was willful and in conscious  
2 disregard of Plaintiff's rights, and constitutes oppression, fraud, or malice, justifying punitive and  
3 exemplary damages in an amount sufficient to punish Defendants.

## **FIFTH CAUSE OF ACTION**

## INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

**(Against all Defendants and DOES 1-25)**

7       57. Plaintiff hereby realleges and incorporate paragraphs 1 through 56 as though fully  
8 set forth herein.

9       58.     Defendant KCORP's conduct, including the ratification of the actions of the agents  
10 and supervisors of Defendant KCORP, namely supervisor KLETT, human resources Manager  
11 ANASTASI, and owner Defendant QUINLAN, as described above was extreme, outrageous, and  
12 malicious, and intentionally done for the purpose of causing Plaintiff to suffer mental anguish and  
13 emotional and physical distress, including humiliation, depression, powerlessness, and anxiety, or  
14 Defendant KCORP acted with reckless disregard of the probability that Plaintiff would suffer  
15 emotional distress.

16       59. As a proximate result of all of the Defendants' conduct, Plaintiff has suffered, and  
17 continues to suffer, severe mental anguish and emotional and physical distress, including  
18 humiliation, depression, powerlessness, and anxiety.

19       60. The aforementioned conduct of Defendants was willful and in conscious disregard  
20 of Plaintiff's rights, and constitutes oppression, fraud, or malice, justifying punitive and exemplary  
21 damages in an amount sufficient to punish Defendants.

## SIXTH CAUSE OF ACTION

**FAILURE TO PROVIDE ITEMIZED WAGE STATEMENTS PURSUANT TO**

**NRS 608.110**

(Against Defendant KCORP DOES 1-25)

26       61. Plaintiff hereby realleges and incorporate paragraphs 1 through 60 as though fully  
27 set forth herein.

62. At no time during his employment did Plaintiff ever received an itemized wage

1 statement setting forth the amount of pay, withholdings, or any other required information.  
2 Defendant KCORP's failure to provide Plaintiff's wage statements is violation of Nevada State  
3 Law.

4 63. Plaintiff was harmed in amount to be proven at trial for not receiving this required  
5 information.

6 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

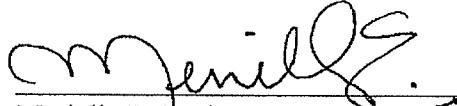
- 7 1. For general and compensatory damages in accordance with proof;  
8 2. For punitive damages in accordance with proof;  
9 3. For costs of suit, including attorney's fees; and  
10 4. For such further relief as the Court deems just and proper.

11 **DEMAND FOR JURY TRIAL**

12 Plaintiff demands a trial by jury as to all issues so triable.

13 Dated: December 18, 2015

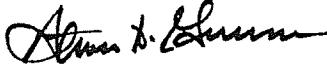
KRING & CHUNG, LLP

14  
15 By:   
16  
17

Merielle R. Enriquez  
Nevada State Bar No. 11116  
Attorneys for Plaintiff  
RUSSELL STEWART

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12/22/2015 10:37:51 AM

1 IAFD  
2 Merielle R. Enriquez, Bar No. 11116  
menriquez@kringandchung.com  
KRING & CHUNG, LLP  
3 1050 Indigo Drive, Suite 200  
Las Vegas, NV 89145-8870  
4 Telephone: (702) 260-9500  
Facsimile: (702) 260-9434

  
CLERK OF THE COURT

5 Attorneys for Plaintiff  
6 RUSSELL STEWART

7

## 8 DISTRICT COURT

9

## CLARK COUNTY, NEVADA

10

11 RUSSELL STEWART, an individual,

) Case No. A-15-729233-C

12

Plaintiff,

) Dept. No.: XV

13

vs.

) Date of Hearing: n/a

14

KCOPR TECHNOLOGY SERVICES, INC., an  
Alaska corporation qualified to do business in  
Nevada; HOWARD ANASTASI, an individual;  
CHRIS KLETT, an individual; CHUCK  
QUINLAN, an individual; and DOES 1 through  
25, inclusive,

) Time of Hearing: n/a

17

Defendants.

) INITIAL APPEARANCE FEE  
DISCLOSURE

18

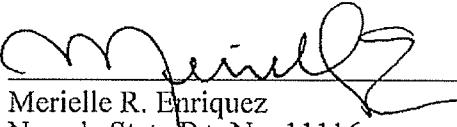
Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for  
parties appearing in the above-entitled action as indicated below:

New Complaint Fee	1 <sup>st</sup> Appearance Fee
<input type="checkbox"/> \$1530 <input type="checkbox"/> \$520 <input type="checkbox"/> \$299 <input checked="" type="checkbox"/> \$270.00	<input type="checkbox"/> \$1483.00 <input type="checkbox"/> \$473.00 <input type="checkbox"/> \$223.00

22 Name: RUSSELL STEWART \$270.00

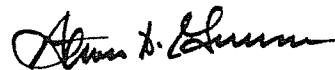
23 TOTAL REMITTED: (Required) Total Paid \$ 270.00

24 Dated: December 18, 2015 KRING & CHUNG, LLP

25  
26 By:   
27 Merielle R. Enriquez  
Nevada State Bar No. 11116  
28 Attorneys for Plaintiff  
RUSSELL STEWART



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CLERK OF THE COURT



PSER  
KRING & CHUNG, LLP  
1050 INDIGO Dr. \* Ste. #200-B  
LAS VEGAS, NV 89145  
702-260-9500  
Attorney for: Plaintiff

DISTRICT COURT  
CLARK COUNTY NEVADA

RUSSELL STEWART, AN INDIVIDUAL

Case Number: A-15-729233-C

*Plaintiff*

Dept/Div: XV

KCOPR TECHNOLOGY SERVICES, INC., AN ALASKA CORPORATION  
QUALIFIED TO DO BUSINESS IN NEVADA, ET AL.

PROOF OF SERVICE

*Defendant*

KEVIN R. SMITH, being duly sworn deposes and says: that at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the state of Nevada under license #389, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received on Thursday December 31 2015; 1 copy(ies) of the:

**SUMMONS; COMPLAINT; CIVIL COVER SHEET**

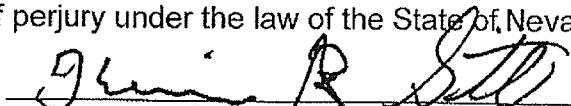
I served the same on Monday January 04 2016 at 09:06AM by:

**Serving Defendant KCOPR TECHNOLOGY SERVICES, INC., AN ALASKA  
CORPORATION QUALIFIED TO DO BUSINESS IN NEVADA, BY SERVING INCOPR  
SERVICES, INC., REGISTERED AGENT**

by serving: MELANIE GALERO, PROCESS AGENT ON BEHALF OF INCOPR SERVICES, INC., REGISTERED AGENT PURSUANT TO NRS 14.020 SUBSECTION 6(B), AS A PERSON OF SUITABLE AGE AND DISCRETION AT THE ADDRESS BELOW, WHICH ADDRESS IS THE MOST RECENT ACTUAL PHYSICAL LOCATION IN THIS STATE AT WHICH THE REGISTERED AGENT IS AVAILABLE FOR SERVICE OF PROCESS, AS SHOWN ON THE CURRENT CERTIFICATE OF DESIGNATION FILED WITH THE SECRETARY OF STATE at the Defendant's Business located at 2360 CORPORATE CIR, STE 400, HENDERSON, NV 89074.

Pursuant to NRS 53.045, I declare under the penalty of perjury under the law of the State of Nevada that the forgoing is true and correct.

Executed: Tuesday January 05 2016

  
Affiant: KEVIN R. SMITH #R-038414

LEGAL WINGS, INC. - NV LIC #389

1118 FREMONT STREET

Las Vegas, NV 89101

(702) 384-0305, FAX (702) 384-8638

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1 SUMM  
2 Merielle R. Enriquez, Bar No. 11116  
menriquez@kringandchung.com  
3 KRING & CHUNG, LLP  
4 1050 Indigo Drive, Suite 200  
Las Vegas, NV 89145-8870  
Telephone: (702) 260-9500  
Facsimile: (702) 260-9434

5 Attorneys for Plaintiff  
6 RUSSELL STEWART

*On file*  
*Attn: D. Schum*  
CLERK OF THE COURT

7  
8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10  
11 RUSSELL STEWART, an individual, ) Case No. A-15-729233-C  
12 Plaintiff, ) Dept. No.: X ✓  
13 vs. ) Date of Hearing: n/a  
14 KCORP TECHNOLOGY SERVICES, INC., an ) Time of Hearing: n/a  
15 Alaska corporation qualified to do business in )  
Nevada; HOWARD ANASTASI, an individual; )  
CHRIS KLETT, an individual; CHUCK )  
QUINLAN, an individual; and DOES 1 through )  
25, inclusive, )  
16 )  
17 Defendants. )  
18 )

19 NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU  
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ  
20 THE INFORMATION BELOW.

21 TO THE DEFENDANT KCORP TECHNOLOGY SERVICES, INC.: A civil Complaint has  
22 been filed by the Plaintiff against you for the relief set forth in the Complaint.

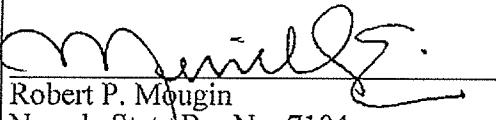
- 23 1. If you intend to defend this lawsuit, within 20 days after this Summons is served on  
24 you, exclusive of the day of service, you must do the following:  
25 (a) File with the Clerk of this Court, whose address is shown below, a formal  
26 written response to the Complaint in accordance with the rules of the Court,  
27 with the appropriate filing fee.

28

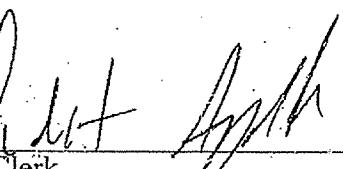
- 1                             (b) Serve a copy of your response upon the attorney whose name and address is  
2                             shown below.
- 3       2. Unless you respond, your default will be entered upon application of the Plaintiff  
4                             and failure to so respond will result in a judgment of default against you for the  
5                             relief demanded in the Complaint, which could result in the taking of money or  
6                             property or other relief requested in the Complaint.
- 7       3. If you intend to seek the advice of an attorney in this matter, you should do so  
8                             promptly so that your response may be filed on time.
- 9       4. The State of Nevada, its political subdivisions, agencies, officers, employees, board  
10                          members, commission members and legislators each have 45 days after service of  
11                          this Summons within which to file an Answer or other responsive pleading to the  
12                          Complaint.

13 Submitted by:

14 KRING & CHUNG, LLP

15   
16 Robert P. Mougin  
17 Nevada State Bar No. 7104  
18 Merielle R. Enriquez  
19 Nevada State Bar No. 11116  
20 1050 Indigo Drive, Suite 200  
21 Las Vegas, NV 89145  
22 T: 702-260-9500; F: 702-260-9434

STEVEN D. GRIERSON  
CLERK OF THE COURT

By:   
Deputy Clerk Date  
Regional Justice Center, 200 Lewis Avenue  
200 Lewis Avenue  
Las Vegas, NV 89155

DEC 23 2015

